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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/304,393 05/04/99 COLAS

A VN24

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EXAMINER

ZIRKER, D

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

7
11/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-10 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-10 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 6
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by

WO9609076A. Note particularly the Abstract, Fig. 1, page 3, lines 1-7, lines 27-35, page 4, line 27-page 5, line 6, lines 28-30, page 6, lines 18-37.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO-076.

The reference is again relied upon substantially as set forth, above and if the reference is not considered precise enough (i.e., a large number of possible embodiments being disclosed) to constitute an anticipation, it can still clearly put the claimed invention within the ordinary skill of the art. Note the teaching of a nonwoven carrier being coated on both outer surfaces with a continuous layer of a suitable silicone gel, which is substantially all that applicants' claims require. With respect to such parameters as the carrier density (claim 3), use of conventional release sheets (claim 6), and bonding a prosthesis to a human or animal body (claims 7, 9 and 10), these are each

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believed to be, if not expressly or inherently disclosed, and obvious parameter to one in the medical adhesives art, in the absence of unexpected results.

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by GB2,192,142A (Brassington et al is cumulative). Note particularly page 1, lines 3~~8~~⁹-55, page 2, lines 46-130, page 3, lines 12-15, lines 20-27, Example 1.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB-142.. The reference is again relied upon substantially as set forth, above. With respect to obviousness, note that in certain embodiments the reference teaches a fabric layer coated on both surfaces with a suitable continuous silicone gel, which is substantially all that applicants' claims require. With respect to the dependent claims (and claim 10), the Examiner's analysis is substantially the same as set forth in the prior obviousness rejection, above.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note also Pocknell, Leasser and Goldberg et al.

9. Any inquiry concerning this communication should be directed to Daniel Zirker at telephone number (703) 308-0031.

D. Zirker/djm
November 13, 2000

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1300~~
1700

Daniel Zirker